



City of Seattle

Department of Planning and Development

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3011933

Applicant Name: Brittany Ard for Dan Duffus

Address of Proposal: 2206 California Avenue SW

SUMMARY OF PROPOSED ACTION

Land Use Application to subdivide one parcel into three parcels of land. Proposed parcel sizes are: A) 932.4 square feet, B) 914.5 square feet; and C) 4,404.5 square feet. The project also includes a unit lot subdivision of Parcel C into four unit lots. The construction of townhouses has been approved under Project numbers 6260113 and 6264063. The subdivision of Parcel C is only for the purpose of allowing the sale or lease of the unit lots. Development standards for Parcel C will be applied to Parcel C as a whole and not to each of the new unit lots.

The following approval is required:

- **Short Subdivision** - to create three parcels.
(Chapter 23.24, Seattle Municipal Code).
- **Unit Lot Subdivision** – to create four unit lots.

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS
☐ DNS with conditions
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site & Area Description

The approximately 6,251.40 square foot rectangular shaped site is zoned Neighborhood Commercial 2 with a 40 foot height limit (NC2-40'). The site is developed with a single family residence. The parcels to be subdivided are located along California Avenue SW between SW Walker and SW College Streets. Proposed unit lots W, X, Y, and Z will have vehicle access from a 20 foot wide paved alley and are provided pedestrian access by a 5 foot wide easement to California Avenue SW.

There are single family residences and a 15 unit apartment building in the Single Family 5000 (SF 5000) zone across the alley to the east. There are apartment buildings to the north and south of the site and across the street. A childcare center is located across the street. There is a restaurant and a retail store in the NC2 40' zone on this block. Development along California Avenue SW in this area generally consists of a variety of small commercial structures and multifamily structures with ground floor commercial uses. There is a large SF 5000 zone to the west of California Avenue SW.

Proposal

The proposal is to subdivide one parcel of land into three parcels. The two resulting lots fronting on California Avenue SW will accommodate two live work units. The subdivision of Parcel C, the third lot, is for the purpose of allowing the sale or lease of four unit lots. Parcel C will accommodate four townhouse units with vehicle access from the alley and a 5 foot wide pedestrian easement to California Avenue SW. Development standards for Parcel C will be applied to Parcel C as a whole and not to each of the new unit lots. The related building permits will be reviewed for code compliance with all city codes upon submittal. Each live work unit and townhouse will have separate ownership.

Public Comment

One comment letter was received during the comment period which ended January 19, 2011 requesting a notice of decision.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, the Director shall, after conferring with appropriate officials, use the following criteria to determine whether to grant, condition, or deny a short plat:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*
8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

Based on information provided by the applicant, referral comments or approvals from the Zoning Plans Examiner (DPD), Drainage Section (DPD), Ordinance and Structural Reviewer (DPD), the Fire Department, Seattle Public Utilities (Water Department), Seattle City Light and review by the Land Use Planner (DPD), the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned Neighborhood Commercial Two with a 40 foot height limit (NC2-40'). The lots to be created by this short subdivision are consistent with applicable development standards. The proposed parcels provide adequate buildable area to meet applicable Land Use Code development standards as reviewed by the zoning plans examiner.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

Proposed Parcels A and B will have direct pedestrian and vehicle access to and from California Avenue SW. The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat and an easement will be required. This short plat will provide for adequate utilities, and fire protection. If required, access for vehicles will meet requirements upon submittal and review of subsequent permits.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on January 6, 2011 (WAC ID No. 20110030). As reviewed by the drainage plans examiner, the plat is adequate for drainage and sanitary disposal.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision is consistent with the NC2 40' zoning and Seattle Land Use Code provisions. The proposed subdivision was given preliminary approval from all City of Seattle review locations and a result meets the public use and interest.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

This site is not located in an environmentally critical area as defined in SMC 25.09.240. There are no environmentally critical areas mapped or otherwise observed on the site. As a result this criterion is not applicable.

6. *Is designed to maximize the retention of existing trees;*

There are currently five trees in the back yard of the site: a ten inch diameter pear tree, two twelve inch and one six inch diameter plum trees, and one 14 inch diameter deciduous tree. There is also a 16 inch street tree in the planting strip in the California Avenue SW street right-of-way. None of these trees are considered exceptional trees per Director's Rule 16-2008 and can therefore be removed. The project was reviewed and approved under the Tree Protection Ordinance, SMC 25.11 by the zoning plans examiner. As a result this criterion is satisfied.

7. *Conformance to the provisions of Section 23.24.045, unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short Subdivision for the two live work units on this site is not a unit lot subdivision. The four townhouse lots at the rear of the site will be included in the unit lot subdivision which is part of this application and addressed separately in the analysis below. Thus, this section is not applicable to this short plat proposal.

8. *Conformance to the provisions of Section 23.24.046, multiple single-family dwelling units on a single-family lot, when the short subdivision is for the purpose of creating two (2) or more lots from one (1) lot with more than one (1) existing single-family dwelling unit.*

This Short Subdivision is not a multiple single-family dwelling unit subdivision. Thus, this section is not applicable to this short plat proposal.

Summary – Short Subdivision

Based on information provided by the applicant, referral comments from DPD, Water (SWD), Fire Department (SFD), Seattle City Light, and review by the Land Use Planner, the above cited criteria have been met subject to the conditions imposed at the end of this decision. The lots to be created by this short subdivision will meet all minimum standards or applicable exceptions set forth in the Land Use Code, and are consistent with applicable development standards. As conditioned, this short subdivision can be provided with vehicular and pedestrian access, public and private utilities and access (including emergency vehicles). Adequate provisions for drainage control, water supply and sanitary sewage disposal have been provided for each lot and service is assured, subject to standard conditions governing utility extensions. The proposal site is not located in an environmentally critical area; therefore SMC 25.09.240 is not applicable. Tree and landscaping requirements were considered under the building permit review. The public use and interest are served by the proposal since all applicable criteria are met and the proposal creates the potential for additional housing opportunities in the City.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

ANALYSIS – UNIT LOT SUBDIVISION

Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.

- A. *The provisions of this section apply exclusively to the unit subdivision of land for townhouses, cottage housing developments, residential cluster developments, and single-family dwelling units in zones where such uses are permitted.*
- B. *Except for any site for which a permit has been issued pursuant to Section 23.44.041 for a detached accessory dwelling unit, sites developed or proposed to be developed with dwelling units listed in subsection A above may be subdivided into individual unit lots. The development as a whole shall meet development standards applicable at the time the permit application is vested. As a result of the subdivision, development on individual unit lots may be nonconforming as to some or all of the development standards based on analysis of the individual unit lot, except that any private, usable open space for each dwelling unit shall be provided on the same lot as the dwelling unit it serves.*
- C. *Subsequent platting actions, additions or modifications to the structure(s) may not create or increase any nonconformity of the parent lot.*
- D. *Access easements and joint use and maintenance agreements shall be executed for use of common garage or parking areas, common open space (such as common courtyard space for cottage housing), and other similar features, as recorded with the Director of the King County Department of Records and Elections.*
- E. *Within the parent lot, required parking for a dwelling unit may be provided on a different unit lot than the lot with the dwelling unit, as long as the right to use that parking is formalized by an easement on the plat, as recorded with the Director of the King County Department of Records and Elections.*
- F. *The fact that the unit lot is not a separate buildable lot, and that additional development of the individual unit lots may be limited as a result of the application of development standards to the parent lot shall be noted on the plat, as recorded with the Director of the King County Department of Records and Elections.*

Summary - Unit Lot Subdivision

Review of this application shows that the proposed unit lot subdivision would conform to applicable standards of SMC 23.24.045 subject to the conditions imposed at the end of this decision. The proposed developments are townhouses. The structures, as reviewed under their separate building permits, conform to the development standards for the time the permit application was vested. To assure that future owners have constructive notice that additional development may be limited; the applicant will be required to add a note to the face of the plat that reads as follows: Include the following on the face of the plat: *“The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”* A joint use and maintenance agreement will be required as conditioned at the end of this decision.

DECISION – UNIT LOT SUBDIVISION

The proposed Unit Lot Subdivision is **CONDITIONALLY GRANTED**.

CONDITIONS – UNIT LOT SUBDIVISION

Conditions of Approval Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide on the plat a joint use and maintenance agreement.
2. Add the conditions of approval after recording on the face of the plat or on a separate page. If the conditions are on a separate page, insert on the plat “For conditions of approval after recording see page ____ of ____.”
3. Provide on the plat the required Seattle City Light easement.
4. Have final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. The lot areas of each parcel shall be shown on the recording documents.
5. Include the following on the face of the plat: “The lots created by unit subdivision are not separate building lots. Additional development on any individual lot in this unit subdivision may be limited as a result of the application of development standards to the parent lot pursuant to applicable provisions of the Seattle Land Use Code.”

6. Submit the recording fee and final recording forms for approval.
7. Provide an easement, covenant, or other legal agreement to allow for the proper display of addresses visible from the street.

Prior to Issuance of any Building Permit

8. The owner(s) and/or responsible party(s) shall attach a copy of the recorded short subdivision to all permit application plans for any application for a permit to construct, demolish, or change use.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

9. Provide on the plat any required Seattle City Light easement.

Prior to Construction Applications

10. A copy of the recorded short subdivision shall be attached to all subsequent building permits for review.

Signature: (signature on file)
Malli Anderson, Land Use Planner
Department of Planning and Development

Date: February 3, 2011